

1964

CONGRESSIONAL RECORD — HOUSE

21667

insistence on dictating the editorial decisions of the American broadcasting system.

The first was a ruling by the FCC that a 5-minute program featuring President Johnson in an appeal for support of the United Fund and Community Chest campaigns would, if broadcast as a special program, expose stations to demands for equal time by all other candidates for the Presidency.

The second was a rejection by the three television networks of a series of 1-minute commercials sponsored by the American Medical Association in support of its opposition to the Johnson administration's medical care plan.

The FCC's ruling on the President's United Fund appeal was in accord with its history of interpretation of the political broadcasting law. Section 315 of the Communications Act requires that if a broadcaster allows any candidate to appear on any program except some kinds of newcasts, he must provide equal time for all other candidates for the same office.

In its ruling on the United Fund program the FCC did not quite go on record as saying that the show would fall outside the category of programs that are exempt from section 315, but it hinted that broadcasters would carry it at their own risk. That risk would be considerable since the FCC has consistently narrowed its definition of what constitutes exempt programming ever since the exemptions were adopted in an amendment to section 315 that the Congress passed in 1959.

The television networks' rejection last week of the American Medical Association's spot campaign may also be traced to section 315, although none of the networks said so publicly. When the 1959 amendment was passed, the Congress inserted in it a phrase that has caused at least as much mischief in its brief life as any other language in the 30-year-old Communications Act, except, perhaps, that all-purpose refuge for government regulators: "the public interest, convenience, and necessity." The phrase states that broadcasters have an "obligation . . . to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

That phrase stamped a congressional cachet on what up to then had been a somewhat tenuous "fairness doctrine" under which the FCC had from time to time inhibited broadcasters from freely stating editorial opinion. Once the fairness doctrine was written into the law the FCC began applying it indiscriminately to all kinds of broadcasts involving any kind of controversy.

If the networks were to begin broadcasting AMA spots that were antagonistic to the medicare plan, they could expect at once to be presented with demands for equal time from supporters of the plan—including the administration which has the power to appoint a majority of FCC Commissioners. And the fact that the AMA had paid commercial advertising rates would provide little shelter for the networks against requests for free time from the other side. A year ago the FCC ruled, in a case involving two Alabama radio stations, that if a broadcaster presents one side of a two-sided question in a program paid for by someone else, he must present the other side at his own expense if he cannot find a sponsor to pay for it.

Section 315, which originally applied only to political candidates, and its fairness doctrine provision, which has created a sort of section 315½ that is applicable to issues, will continue to inhibit the journalistic function of radio and television as long as the section remains on the books. The total repeal of the section must become the broadcasters' priority business before the next Congress.

In addition, because of the importance of this general subject, I include a report concerning this same subject from the

New York Times "News of the Week in Review" section for Sunday, September 13, 1964.

DOCTORS AND TV

The Federal Communications Commission has regulations governing the programming and advertising practices of the television-radio industry. One of these rules is that broadcasters must give a balanced presentation of any controversial issue.

Last week this rule led to a furor over a controversial issue that probably will be debated prominently during the presidential campaign. The issue is medical aid for the aged financed through social security. The three networks—American Broadcasting Co., Columbia Broadcasting System, and National Broadcasting Co.—announced on Wednesday that they would not carry a series of 1-minute spot commercials as part of the American Medical Association's campaign against the medicare program.

The commercials would show, say, a passenger in a taxi asking the driver why he should pay extra taxes for a Federal medicare program when health care already is available from the States.

The networks told the AMA it was against their policies to sell a minute at a time for controversial issues. The networks took the position that no important question can be rationally explained and fairly developed in 60 seconds. Moreover they might be required to give equal time free to a rebuttal of the AMA message. The regulations do not apply to paid commercials for political candidates.

After the networks' rejection, the AMA reported that many local TV and radio stations offered to sell time for the spot commercials. One reason for the difference in policy is economic. If the FCC required a local station to balance an AMA commercial with an opposing statement, the cost to the station would be small. But for a network to do the same, the expense would run into thousands of dollars for each spot.

(Mr. CLEVELAND (at the request of Mr. LANGEN) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

[Mr. CLEVELAND'S remarks will appear hereafter in the Appendix.]

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. MACGREGOR (at the request of Mr. LANGEN), for 15 minutes, today, September 17.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks, was granted to:

Mr. PIKE and to include extraneous matter.

Mr. HAGAN of Georgia in two instances and to include extraneous matter.

Mr. ROONEY of New York to extend his remarks immediately following the reading of the Journal in three instances and to include extraneous matter.

Mr. RANDALL.

(The following Members (at the request of Mr. LANGEN) and to include extraneous matter:)

Mr. MCINTIRE.

Mr. JENSEN in two instances.

Mr. GLENN in two instances.

Mr. FOREMAN in two instances.

Mr. WYDLER in two instances.

Mr. BATES in two instances.

Mr. MICHEL.

Mr. CLEVELAND in two instances.

Mr. SKUBITZ in five instances.

Mr. MOORE in four instances.

Mr. GARMATZ (at the request of Mr. ALBERT) and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost \$269.50.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. MARSH in two instances.

Mr. ADDABBO in two instances.

Mr. PATMAN in five instances.

Mr. STAEBLER.

Mr. ROSENTHAL.

Mr. ULLMAN in three instances.

Mr. RYAN of New York in three instances.

ADJOURNMENT

Mr. RANDALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Monday, September 21, 1964, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. S. 1082. An act to establish in the Treasury a correctional industries fund for the government of the District of Columbia, and for other purposes without amendment (Rept. No. 1889). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Joint Committee on Atomic Energy. Report on the proposed agreement for cooperation regarding the exchange of atomic information between the Government of the United States of America and the North Atlantic Treaty Organization and its member nations; without amendment (Rept. No. 1890). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 12633. A bill making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1891). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 884. Resolution for consideration of H.R. 8546, a bill to amend title VII of the Public Health Service Act so as to extend to qualified schools of optometry and students of optometry those provisions thereof relating to student loan programs; without amendment (Rept. No. 1892). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 848. Resolution providing for consideration of House Joint Resolution 1101, a joint resolution to amend the Constitution of the United States to guarantee the

21668

right of any State to apportion one house of its legislature on factors other than population; with amendment (Rept. No. 1893). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 883. Resolution taking H.R. 5932 from the Speaker's table and agreeing to Senate amendments; without amendment (Rept. No. 1894). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYMAN:

H.R. 12624. A bill to amend the Internal Revenue Code to provide an addition to the reserve for bad debts; to the Committee on Ways and Means.

By Mr. MAHON:

H.R. 12633. A bill making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 12625. A bill for the relief of Joseph Durante; to the Committee on the Judiciary.

By Mr. HAGAN of Georgia:

H.R. 12626. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Leonidas B. Mallard; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 12627. A bill for the relief of Mr. and Mrs. Tomouemon Kato; to the Committee on the Judiciary.

H.R. 12628. A bill for the relief of Naolchi Yawata and the estate of his wife, Tama Yawata; to the Committee on the Judiciary.

By Mr. MILLER of New York:

H.R. 12629. A bill for the relief of Enrico DeMonte; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 12630. A bill for the relief of Leonarda Pirello; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 12631. A bill for the relief of Henry and Roxane Mansoor; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 12632. A bill for the relief of Eliahu Hayrovitz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

1035. The SPEAKER presented a petition of the board of trustees, village of Tarrytown, N.Y., petitioning consideration of their resolution with reference to repealing legislation which authorized the National Trust for Historic Preservation to establish a museum honoring Jay Gould, which was referred to the Committee on Ways and Means.